

Application No.: 10/030,801

Applicants: Norbert Kothe et al.

Restriction Response to Office Action dated September 26, 2003

REMARKS

Applicants reserve the right to prosecute the subject matter of the non-elected claims in a divisional application, if such subject matter is not ultimately granted here.

Regarding the traversal, the basis for the Examiner's restriction is under PCT Rule 13.1 for lack of Unity of Invention. The Examiner alleges that Groups I, II, and III do not form a single inventive concept within Rule 13.2.

According to PCT Administrative Rules (Annex B, Part I) "unity of invention exists only when there is a technical relationship among the claimed inventions involving one or more of the *same or corresponding* special technical features. The expression "special technical features" is defined in Rule 13.2 as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art.

In the instant case, the special technical feature shared by all the claims in Groups I to III is the plasma or serum. Although the Examiner takes the position that the three groups of claims lack the same or corresponding special technical feature, the fact remains that Group II comprising claims 27 and 28 and Group III comprising claim 29 recite the plasma or serum of claims 1-26 in Group I. Because the claims all share this special technical feature, unity of invention exists, and restriction is improper. Accordingly, Applicants respectfully traverse the restriction between Groups I to III, and request the withdrawal of the requirement.

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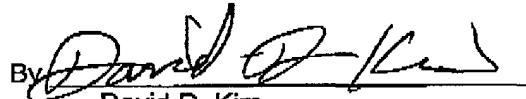
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Early and favorable action is earnestly solicited.

Respectfully submitted,

NORRIS MC LAUGHLIN & MARCUS, P.A.

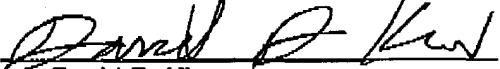
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Response to Restriction Requirement (4 pages total) is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Date: November 26, 2003

By 
David D. Kim